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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RACHEL ANNETTE GIANNONE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:25-cv-1554-JDP

STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT; ~~PROPOSED~~  
ORDER

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of \$8,200.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
3 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment  
4 executed by Plaintiff.

5 Payments may be made by electronic funds transfer (EFT) or by check.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
7 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or  
8 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
9 and all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco  
10 Benavides, may have relating to EAJA attorney fees in connection with this action.

11 This award is without prejudice to the rights of Francesco Benavides to seek Social Security  
12 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

13 Respectfully submitted,

14 Dated: September 30, 2025

Law Offices of Francesco Benavides

15 By: /s/ Paul Sachelari  
16 PAUL SACHELARI  
17 Attorney for Plaintiff

18 Dated: September 30, 2025

ERIC GRANT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

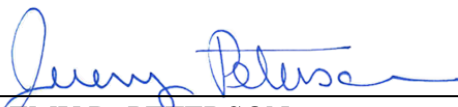
19 By: Margaret Branick-Abilla\*  
20 MARGARET BRANICK-ABILLA  
21 Special Assistant U.S. Attorney  
22 Attorneys for Defendant  
23 (\*Permission to use electronic signature  
24 obtained via email on September 30, 2025).  
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26  
27  
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~~[PROPOSED]~~ ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$8,200.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: October 6, 2025

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE